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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,653	09/17/2003	Hideki Kanie	A-9923	3807

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MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE
SUITE 500
MCLEAN, VA 22102-3833

EXAMINER

REESE, DAVID C

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/663,653

Applicant(s)

KANIE, HIDEKI

Examiner

David C. Reese

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-13 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1 and 3-13 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

THIS FINAL ACTION IS RESPONSIVE TO THE AMENDMENT FILED 6/26/2006.

- Claim 2 was canceled.
- Claims 1, 3,4-7, and 9-10 were amended.
- Claims 1, and 3-13 are pending.

Specification

[1] The abstract of the disclosure is objected to:

The length of the abstract is too long, as it should be limited to within a range of 50 to 150

words. Please read below. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

[2] Further, as amended, the applicant should change the inserted application number of the copending application to the recently issued USPN-7,008,160.

Claim Objections

[3] Claim(s) 1, 3-7, and 9 were previously objected to because of informalities. Applicant has successfully addressed these issues in the amendment filed on 6/26/2006. Accordingly, the objection(s) to the claim(s) 1, 3-7, and 9 have been withdrawn.

Claim Rejections - 35 USC § 102

[4] The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

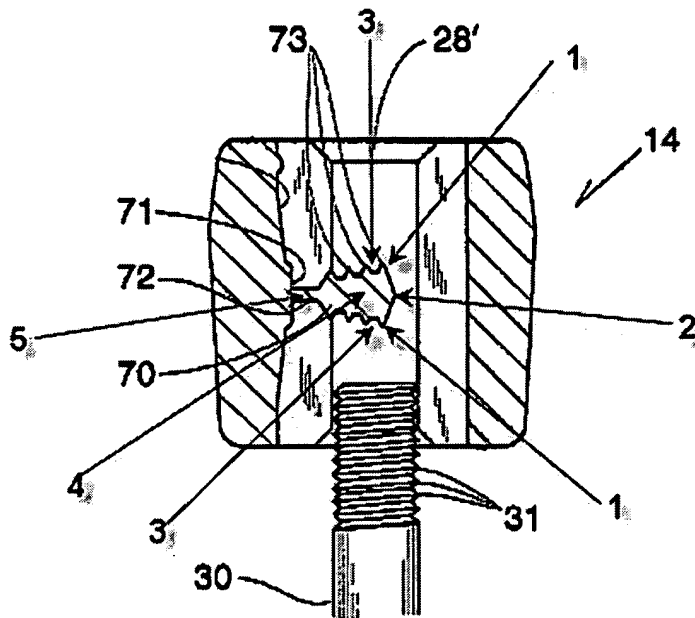
[5] Claims 1-13 are rejected under 35 U.S.C. 102(b) as clearly anticipated by Geiger, US-6,240,602, because the invention was patented or described in a printed publication in this or a foreign country, or in public use or on sale in this country more than one (1) year prior to the application for patent in the United States.

The shape and appearance of Geiger is identical in all material respects to that of the claimed design, *Hupp v. Siroflex of America Inc.*, 122 F.3d 1456, 43 USPQ2d 1887 (Fed. Cir. 1997).

As for Claim 1, Geiger teaches (Fig. 15) (also see figure below) of a device (14) to be attached to a threaded stud (30), comprising a body having a bore (28') for insertion of a stud (30), wherein the device (14) has only a single pawl (70), and, in the absence of a stud (31) in the

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bore (28'), the pawl (70) extends from an inner wall (71) of the bore (28') in a direction substantially perpendicular to an axis of the bore (28'), wherein the pawl (70) has a flexible thin section (5) connected to the inner wall (71) and a thick section (4) extending from the thin section (5), wherein the pawl (70) can be bent in opposite directions at the thin section (5) for mounting the device (14) on a stud (30) from two directions, wherein a single pair (1) of thread engaging sections (73) are formed at opposite sides of a tip end (2) of the thick section (4), one or another of the engaging sections (73) being disposed for entering a space between crests of threads (31) of a stud (30) depending on a direction of insertion of the stud (30) in the bore (28'), wherein a single pair of grooves (3) are formed adjacent to corresponding engaging sections (1) of the pawl (70), each groove (3) being disposed for receiving a crest of a thread (31) adjacent to the space between the crests, and wherein the thick section (4) of the pawl (70) between the grooves (3) and the thin sections (5) is devoid of thread engaging sections and grooves corresponding to thread engaging sections.



As for Claim 3, Geiger teaches (Fig. 15) (also see figure above) of a device (14) to be attached to a threaded stud (30), comprising a body having a bore (28') for insertion of a stud (30), wherein the device (14) has only a single pawl (70), and, in the absence of a stud (31) in the bore (28'), the pawl (70) extends from an inner wall (71) of the bore (28') in a direction substantially perpendicular to an axis of the bore (28'), wherein the pawl (70) has a flexible thin section (5) connected to the inner wall (71) and a thick section (4) extending from the thin section (5), wherein the pawl (70) can be bent in opposite directions at the thin section (5) for mounting the device (14) on a stud (30) from two directions, wherein a pair (1) of thread engaging sections (73) are formed at an end (2) of the thick section (4), one or another of the engaging sections (73) being disposed for entering a space between crests of threads (31) of a

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stud (30) depending on a direction of insertion of the stud (30) in the bore (28'), wherein a length of the thick section (4) of the pawl (70) is substantially greater than a distance between the inner wall (71) and a stud (30) inserted in the bore (28'), and wherein after insertion of a stud (30) in the bore (28'), a centerline of the pawl (70) forms an angle substantially less than 90° from the centerline of the pawl (70) before insertion of a stud (30).

Re: Claim 4, wherein a tip of each engaging section (73) is arcuate so as to conform to a curvature of the threads (31).

Re: Claim 5, wherein each groove (3) is arcuate so as to conform to the curvature of the threads (31).

As for Claim 6, Geiger teaches (Fig. 15) (also see figure above) of a device (14) to be attached to a threaded stud (30), comprising a body having a bore (28') for insertion of a stud (30), and having only a single pawl (70) in the bore (28'), wherein the pawl (70) is connected by a hinge (5) to a first inner wall (72) of the bore (28'), wherein the pawl (70) has a centerline extending in a first direction substantially perpendicular to an axis of the bore (28') before insertion of a stud (30) in the bore (28') and forming an angle of substantially less than 90° with respect to the first direction after insertion of the stud (30) in the bore (28'), and wherein the pawl (70) has a thread engaging section (73) at a pawl tip (2) that enters a space between successive crests of threads (31) of a stud (30) and has an adjacent groove (3) that receives one of the crests of the thread (31), wherein the pawl (70) has a length (via 4) between the groove (3) and the hinge (5) that is devoid of thread engaging sections and thread crest receiving grooves, and wherein a second inner wall (inside 22) of the bore (28') is constructed to minimize lateral

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movement of the stud (30) in the first direction, and in a direction orthogonal to the first direction.

Re: Claim 7, wherein the second inner wall (inside 22) of the bore (28') is dimensioned to closely surround a major portion of the circumference of the stud (30).

Re: Claim 8, wherein the engaging section (73) and the groove (3) are formed on a section of the pawl (70) substantially thicker (4) than a section of the pawl (70) forming the hinge (5).

Re: Claim 9, wherein there are a pair (1) of the engaging sections (73) and a pair of the grooves (3) at opposite sides of the thicker section (4) of the pawl (70), whereby an engaging section (73) and a groove (3) can engage threads (31) of the stud (30) irrespective of the direction of insertion of a stud (30) into the bore (28').

Re: Claim 10, wherein tips of the engaging sections (73) and the grooves (3) are arcuate to conform to the curvature of the threads (31) of the stud (30).

Re: Claim 11, wherein a stud (30) is disposed in the bore (28').

Re: Claim 12, wherein the body includes a component mounting section for holding a component (Fig. 14).

Re: Claim 13, wherein the body includes a component mounting section for holding a component (Fig. 14).

Response to Arguments

[6] Applicant's arguments filed 6/26/2006 regarding rejections under 35 U.S.C. 102 have been fully considered but they are not persuasive. Examiner maintains that the amended subject matter presented by applicant in the instant amendment is still anticipated by the prior art of

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Geiger. A figure has been provided (see above) to help show that the structure of Geiger does indeed anticipate that of the claims. It is the claims that define the claimed invention, and it is claims, not specifications that are anticipated or unpatentable. *Constant v. Advanced Micro-Devices Inc.*, 7 USPQ2d 1064. Applicant states that Geiger does not teach of a single pair of thread engaging sections formed at opposite sides of a tip end of the thick section and a single pair of grooves formed adjacent to corresponding engaging sections. The examiner disagrees. Geiger does indeed disclose of a single pair (1) of thread engaging sections (73) formed at opposite sides of a tip end (2) of the thick section (4) and a single pair of grooves (3) formed adjacent to corresponding engaging sections (1) (73) (see figure above). Applicant goes on to state numerous other features from the applicants claimed invention that he believes is not anticipated by the structure of Geiger. Examiner disagrees, and directs the applicant once again to the claim rejection section above where it is distinctly shown how each and every claimed element is disclosed and anticipated by the structure of Geiger.

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Conclusion

[7] Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

[8] Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Reese whose telephone number is (571) 272-7082. The examiner can normally be reached on 7:30 am-6:00 pm Monday-Thursday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached at (571) 272-7075. The fax number for the organization where this application or proceeding is assigned is the following: (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DCR


8/17/06

David Reese
Assistant Examiner
Art Unit 3677


ROBERT J. SANDY
PRIMARY EXAMINER